

REMARKS

Claims 47, 49-74, 76-100 stand rejected. Claims 47 and 74 are currently amended. Claims 50 and 77 are currently canceled. Claims 48 and 75 were previously canceled. A Notice of Appeal was filed on August 31, 2005. By this paper, the Appeal has been withdrawn.

Objection to the Specification

The Office Action objected to the amendment filed on October 15, 2004 on the basis of new matter. Without acquiescing in the objection, the objected language has been removed from the claims. Applicants respectfully submit that the objection has been rendered moot by the amendment.

Claim Rejection under 35 U.S.C. § 112

Claims 47 and 74 have been rejected under 35 U.S.C. § 112 as containing subject matter which was sufficiently described in the specification. Without acquiescing in the rejection, the language cited by the Office Action has been removed from the claims. Applicants respectfully submit that the rejection has been rendered moot by the amendment.

Claim Rejection under 35 U.S.C. § 103

Claims 47, 49-55, 57-58, 60, 62-63, 65-66, 68, 70-74, 76-82, 84-85, 87, 89-90, 92-93, 95, 97-100 stand rejected under 35 U.S.C. § 103 based on U.S. Patent No. 5,958,006 issued to Eggleston et al. ("Eggleston") in view of U.S. Patent No. 5,448,759 issued to Krebs et al. ("Krebs"). Claims 56, 59, 61, 64, 67, 69, 83, 86, 88, 91, 94, and 96 stand rejected under 35 U.S.C. § 103 based on Eggleston in view of PCT Publication WO 91/14332 A1 published for Powell et al. ("Powell").

As amended, independent claims 47 and 74 recite at least the following claim elements:

determining that the server has information to be transmitted to the client station without the client station initiating the determination, wherein the client station is initially disconnected from a transceiver;

transmitting a paging notification message from the server to the transceiver via a page link between the server and the transceiver, in order to provide notification that the server has information to be transmitted to the client station;

receiving the paging notification message at the transceiver; and

based upon receiving the paging notification message, subsequently connecting the transceiver to the client station to establish a wireless communication link with the server to transmit a message from the client station to the server indicating that the client station is ready to receive the information, and in response, transmitting the information to the client station.

1. Applicants note that in order to establish obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the cited references. MPEP 2143.03. Applicants respectfully submit that neither Eggleston, Krebs nor Powell, by themselves or in combination, disclose or suggest all of the claimed limitations of the pending claims.
2. Applicants respectfully submit that all of the cited references fail to disclose at least the claim elements of “determining that the server has information to be transmitted to the client station without the client station initiating the determination, wherein the client station is initially disconnected from a transceiver” and “based upon receiving the paging notification message, subsequently connecting the transceiver to the client station to establish a wireless communication link with the server to transmit a message from the client station to the server indicating that the client station is ready to receive the information, and in response, transmitting the information to the client station.” In particular, it is noted that none of the cited references teaches or suggest a method or article in which a transceiver is initially disconnected from a client station, and based upon receiving a paging message, the initially disconnected transceiver is subsequently connected to the client station.

Applicants note that the Office Action (at paragraph 8, page 6) has conceded that Eggleston does not disclose a separated transceiver. Eggleston is directed at a method and apparatus for communicating summarized data. In particular, as shown in Fig. 1, Eggleston discloses a mobile device in the form of a computer 105 that includes an attached transceiver device 106 for communicating with a remote server 110. Fig. 2 of Eggleston similarly shows a mobile computing device 201 having an integrated transceiver 202 that communicates with a remote server 220. Applicants agree that there is absolutely no teaching or suggestion within Eggleston of a mobile station that is separated from a transceiver. As such, it is respectfully submitted that there clearly

cannot be a teaching or suggestion within Eggleston of a client station that is initially disconnected from a client station, and based upon receiving a paging message, is subsequently connected to the client station, as is presently claimed.

Krebs also fails to disclose these claimed limitations. Krebs is directed to a method for efficient bandwidth utilization for varying bandwidth messages. In particular, Krebs discloses a plurality of communications units 106-108 which communicate with remotes system 101 via repeaters 102-105. There is no teaching or suggestion within Krebs that the communications units 106-108 are separate from their associated transceivers, much less initially disconnected, and based upon receiving a paging message, is subsequently connected.

Powell also fails to make up for these deficiencies of Eggleston and Krebs. Powell teaches a radio telephone/selective call receiver system. The system of Powell includes a radio telephone portion 105 for making calls using a wireless telephone network, as well as a selective call receiver portion 106 for receiving paging messages. Notably, it can be seen that both the radio telephone portion and the selective call receiver portion each have their own integrated equipment for receiving and/or transmitting. This can clearly be seen in Figs. 3A, 3B, and their written descriptions in the specification, which shows both a receiver 303 and transmitter 304 integrated into the radio telephone device as well as a receiver 317 integrated into the selective call receiver portion.

The radio telephone portion of Powell cannot be the “transceiver” as presently claimed since it is explicitly NOT used to receive a paging notification message, as is presently claimed. It is the selective call receiving portion of Powell that is used to receive paging messages (See page 5, line 33 to page 6, line 10). However, it is also clear that the selective call receiver portion of Powell, which is used to receives paging messages, does not even include a “transceiver.” As shown in Fig. 3B, the selective call receiver portion only includes a receiver 317, without any corresponding equipment for transmitting through antenna 316. As such, the selective call receiver portion of Powell also cannot correspond to the “transceiver” as presently claimed since it does not include a transmitting equipment.

Moreover, there is no disclosure in Powell that the radio telephone portion is initially disconnected from the selective call receiver portion, and connection between the radio telephone portion and the selective call receiver portion is subsequently made in response to receiving a paging

message. In fact, Powell makes it clear that “when disconnected, the selective call receiver 507 and the radio telephone are fully functional as their own independent entities (page 8, lines 6-8).

Furthermore, claims 47 and 74, as amended, recite the following: “based upon receiving the paging notification message, subsequently connecting the transceiver to the client station to establish a wireless communication link with the server to transmit a message from the client station to the server indicating that the client station is ready to receive the information, and in response, transmitting the information to the client station.” Applicants respectfully note that the selective call receiver portion of Powell cannot disclose this element, since the selective call receiver portion of Powell only includes a receiver and does not include a transmitter (see Fig. 3B). Since the selective call receiver portion of Powell fails to include a transmitter, even it is subsequently connected to the radio telephone portion, it is physically impossible for the selective call receiver portion to be used to transmit a message to a remote server as claimed.

3. Applicants also respectfully submit that the cited references fail to disclose the claimed element of “transmitting a paging notification message from the server to the transceiver via a page link between the server and the transceiver, in order to provide notification that the server has information to be transmitted to the client station”.

The Office Action addresses these claim elements at paragraph 7, page 4, which cites to a combination of Eggleston and Krebs. However, the body of paragraph cites to a separate reference (Anderson et al.), which is not identified. Applicants will presume the citations to Anderson is a mistake, with the intent to cite to Eggleston. If Applicants are mistaken with this assumption, then it is respectfully requested that the Examiner identify the relevant Anderson reference used in the rejection.

Applicants respectfully submit that Eggleston fails to disclose, teach or suggest the claim element “transmitting a paging notification message from the server to the transceiver via a page link between the server and the transceiver, in order to provide notification that the server has information to be transmitted to the client station”. Applicants note that the Office Action has stated that Eggleston discloses these elements without stating where in the reference such disclosure can be found. Applicants’ attorney has searched the Eggleston reference and cannot locate the substance of this claim element within the Eggleston reference. If the rejection is maintained in the next office

action, then Applicants respectfully request that the Examiner identify where the Eggleston reference contains such teachings.

Neither the Powell reference nor the Krebs reference makes up for this deficiency of Eggleston, and these references were not cited by the Office Action as disclosing this limitation. The Powell reference merely discloses a device having a combination of a radio telephone portion and a selective call receiving portion, without any indication that either of these portions are used to transmit a paging notification message from a server to a transceiver via a page link between the server and the transceiver, in order to provide notification that the server has information to be transmitted to a client station as claimed. The Krebs reference does not even disclose or mention paging, and hence does not disclose this claim limitation.

4. Applicants further note that there is no suggestion or motivation to combine the cited references to achieve all the elements of claims 47 and 74. To have such suggestion or motivation, the prior art must suggest the desirability of the claimed invention. MPEP 2143.01 (I). The Office Action made a statement regarding the combination of Eggleston and Powell at page 8, that “such method of providing notification (e.g., data alerts) transmitted to a separated receiver, as taught by Powell et al., to the modified communication system of Eggleston et al. thus allows the user to defer answering the message and the user is offered an increased level of confidence”. Applicants initially note that the Office Action failed to identify where the cited references themselves, where explicitly or implicitly, contains any teaching, suggestion, or motivation for the combination of Eggleston and Powell, or even for the above statement from the Office Action. Moreover, looking at the substance of the statement, this statement fails to explain what the “increased level of confidence” refers to, or why there should be such an increased level of confidence based upon allowing a user to defer a message. Finally, the statement in the Office Action does not explain why there should be the desirability of deferring a message based upon the cited references.

5. For at least the above reasons, it is respectfully submitted that not all of the limitations of the pending independent claims 47 and 74 are taught, either individually or in combination, by the cited references. Furthermore, it is respectfully submitted that the requisite motivation or suggestion for the combinations of the cited references is lacking. As such, it is respectfully submitted that claims 47 and 74 are patentable over the cited references.

6. For at least the same reasons discussed above with respect to independent claims 47 and 74, it is respectfully submitted that dependent claims 49, 51-73, 76, and 78-100 are likewise patentable over the cited references.

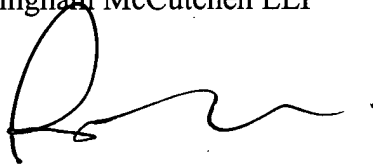
CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011242001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011242001**.

Respectfully submitted,

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